

REMARKS

Applicants submit this Amendment After Final in reply to the final Office Action mailed August 12, 2004.

In this Amendment After Final, Applicants propose to cancel claim 1, without prejudice or disclaimer, amend claim 2 to further define the claimed invention, and amend claims 4, 13-14, 17-18, and 20 to change their dependencies from claim 1 to claim 2. No new matter has been introduced.

Before entry of this Amendment After Final, claims 1-20 were pending in this application, with claims 6-12 having been withdrawn from consideration. After entry of this Amendment, claims 2-20 are pending in this application, with claims 6-12 still having been withdrawn from consideration. Claims 2 and 6 are the sole independent claims.

In the final Office Action, claims 1-5, 13, 14, and 16-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,038,050 to Minoura et al. ("Minoura"). Applicants have cancelled claim 1, without prejudice or disclaimer, rendering the rejection moot. With regards to the rest of the rejected claims, Applicants respectfully traverse this rejection. For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or implicitly. M.P.E.P. 706.02. Because Minoura does not teach every aspect of claims 2-5, 13, 14, and 16-20 either alone or in combination with the other aspects of the claimed invention, Minoura does not anticipate any of those claims.

Minoura does not disclose or suggest the invention claimed in as-amended independent claim 2. For example, independent claim 2 recites a relay unit including,

among other aspects, “wherein one of said switch connector circuit components is formed with a downstream fuse connector portion to which each of said fuses is electrically coupled and a relay terminal configured to be electrically coupled to a connector” Minoura does not disclose at least these aspects of the claimed invention either alone or in combination with the other aspects of the claimed invention.

Specifically, Minoura discloses a junction box 12 having a busbar 15 to supply a source current to fuselinks 20. The fuselinks 20 are connected in parallel and conduct current to the circuits 16 of the junction box 12. (Fig. 4; col. 3, lines 16-23). While Fig. 4 may schematically disclose a junction box 12 including circuits which appear to include switching elements and inductors, Minoura does not structurally disclose that “one of said switch connector circuit components is formed with a downstream fuse connector portion to which each of said fuses is electrically coupled and a relay terminal configured to be electrically coupled to a connector,” as recited in claim 2 (emphasis added).

Moreover, in rejecting claims 16, 17, 18, and 20, the Examiner asserted that Minoura “inherently” disclosed the recited the respective aspects of each of claims 16, 17, 18, and 20. In order to rely on inherency of the undisclosed elements, Applicants submit that the Examiner must establish that the extrinsic evidence makes “clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (emphasis

added). As the Examiner has not provided such extrinsic evidence, nor given any reasoning as to how the respective aspects of each of claims 16, 17, 18, and 20 are necessarily present in Minoura, Applicants respectfully assert that the Section 102(b) rejections of claims 16, 17, 18, and 20 is improper.

Indeed, if the Examiner is taking official notice of any of the aspects of claims 16, 17, 18, and 20, in rejecting the claims, Applicants assert that the Examiner has not met the requirements for meeting official notice as set forth in M.P.E.P. § 2144.03. The M.P.E.P. instructs:

Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner's conclusion should be judiciously applied. Furthermore, as noted by the court in *Ahlert*, any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as principal evidence upon which a rejection was based.

Accordingly, Applicants again respectfully request withdrawal of the Section 102(b) rejection based on Minoura.

Accordingly, because Minoura does not disclose every aspect of the invention either alone or in combination with the other aspects of the claimed invention, Applicants respectfully request withdrawal of the Section 102(b) rejection.

In the final Office Action, claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,038,050 to Minoura et al. ("Minoura"). Applicants respectfully traverse this rejection.

On page 6 of the final Office Action, the Examiner admits that Minoura does not disclose "an electrically conductive trimmer joint position disposed between some of the

pair switch connector circuit components and the pair of coil connector circuit components.” The Examiner then asserted, however, that “[i]t would have been obvious to one having ordinary skill in the art at the time of the invention was made to place trimmer joint between these components since it was known in the art that this would create a circuit that can be easily customized according to its intended use by simply using the trimmer joint to create different circuit output configurations.” This is an improper motivation because it is neither clear and particular, as required by In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999), nor found in the prior art, as required by In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Instead, it appears that the Examiner has improperly pieced various aspects of the present invention from the prior art together with a good deal of hindsight and with the invention as a road map to make an obviousness rejection. Indeed, Applicants assert that this is not a motivation at all, but is simply an impermissible conclusory statement that adding an aspect to Minoura will allegedly result in the claimed invention. Accordingly, because the Examiner has not met the second criteria in establishing a *prima facie* case of obviousness, Applicants respectfully request withdrawal of the Section 103(a) rejection.

Indeed, if the Examiner is taking official notice of this allegedly “well-known fact” in rejecting the claims, Applicants assert that the Examiner has not met the requirements for meeting official notice as set forth in M.P.E.P. § 2144.03. The M.P.E.P. instructs:

Any rejection based on assertions that a fact is well-known or is common knowledge in the art without documentary evidence to support the examiner’s conclusion should be judiciously applied. Furthermore, as

noted by the court in *Ahlert*, any facts so noticed should be of notorious character and serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as principal evidence upon which a rejection was based.

Accordingly, Applicants again respectfully request withdrawal of the Section 103(a) rejection based on Minoura.

Applicants further submit that claims 3-5 and 13-20 depend from independent claim 2, and are therefore allowable for at least the same reasons that independent claim 2 is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by Minoura and therefore at least some also are separately patentable.

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing claims 2-5 and 13-20 in condition for allowance. The proposed amendments of claim 2 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the invention as claimed. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the Final Office Action presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the specification, claims, abstract, and drawings in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

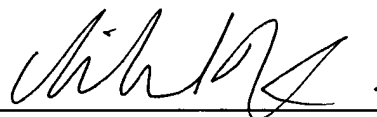
Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: December 6, 2004

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